



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
087877,155	06/17/97	CORMIER	M ARC2466R1

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QM31/0930

EXAMINER

FINKEL, S

ART UNIT

PAPER NUMBER

3734

DATE MAILED: 09/30/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/877,155

Applicant(s)
Cormier et al.

Examiner
Sharon Finkel

Group Art Unit
3734



☒ Responsive to communication(s) filed on Aug 31, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-52 is/are pending in the application.

Of the above, claim(s) 1-5, 8-29, and 32-52 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 6, 7, 30, and 31 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4-6

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Answer to Applicants' Election with Traverse

1. Applicants' election with traverse of Group II in Paper No. 9 is acknowledged. The traversal between the restriction of Group IV and I is on the ground(s) that some of the dependent claims are directed to a sheet having tiny microblades with high microblade density and specific trajectory angles, which can only be created by the photoetching/punching process. This is not found persuasive because the broader claims are controlling, therefore, the restriction is proper. In addition, a substantial burden exists when several inventions are examined together, particularly when those inventions are related as product and process of making the product.

The requirement is still deemed proper and is therefore made FINAL.

Specification

2. Due to the restriction requirement, the title of the invention is now not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. In addition, it is preferable that the anchoring means be mentioned in the title.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 6, 7, 30 and 31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gerstel et al., U.S. '482. See especially column 7, line 41, which corresponds to applicants' species set forth in claim 2, part (v). It is suggested that applicants more carefully claim the anchor.

5. Claims 6, 7, 30 and 31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ganderton et al., U.S. '097. See especially column 2, lines 65+, which corresponds to applicants' species set forth in claim 2, part (v). It is suggested that applicants more carefully claim the anchor.

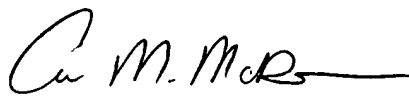
Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. In particular, if the anchors were more carefully defined, it would be obvious to combine the Latterell '110 anchors with the Gerstel et al. '482 drug delivery device.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon Finkel whose telephone number is (703) 305-0154.


Sharon Finkel

September 17, 1998


CORRINE M. MCDERMOTT
PRIMARY EXAMINER
GROUP 3300